IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

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WRIT PETITION NO : 1094 of 1995

Between:

D. Prakash , s/o D. Doraiswamy, Chief Supervisor (Accounts),
Cement Corporation of India Ltd., Adilabad.

..... PETITIONER

AND

The Director (Finance)
Cement Corpotration Of India Ltd., Core -V,

Scope Complex No.7, Lodi Road, New Delhi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of writ of certiorari calling for the records relating to and in connection with the order No.CCI/VIG/SZ/1305/93,dt:9.12.94 issued by the respondent and quash the same as illegal, arbitrary and contrary to Rule 29 of the Cement Corporation of India Conduct, Discipline and Appeal, Rules and also in violation of Principles of natural justice.

Counsel for the Petitioner: MR.P.GANGAIAH NAIDU

Counsel for the Respondent: MR.P.NAGESWARA SREE

The Court made the following :

O R D E R

The petitioner filed this writ petition with the following prayer:

> "Honourable Court may be pleased to issue a writ order or direction in the nature of writ of certiorari calling for the records relating to and in connection with the order No.CCI/VIG/SZ/1305/93, dated 9.12.1994 issued by the respondent and quash the same as illegal, arbitrary and contrary to Rule 29 of the Cement Corporation of India (Conduct, Discipline and Appeal) Rules and also in violation of principles of natural justice and pass such other order or orders"

The petitioner is working with the respondent company as an Accountant from September, 1985 and later he was promoted to the post of Chief Supervisor (Accounts) in October, 1989. On 16.09.1993 a charge memo was issued making certain allegations of misconduct against the petitioner. It was served on the petitioner on 20.09.1993. On 29.09.1993 the petitioner requested for supply of certain documents to enable him to give proper explanation. In response to his request the respondent by letter dated 28.10.1993 directed the petitioner to specify the documents that are required by the petitioner. The petitioner by a representation dated 11.11.1993 informed the respondent that various documents referred to in the representation numbering 40 are required by him. On 06.06.1994 the respondent supplied of 14 xerox copies of the documents out of the above

mentioned 40 documents and refused to supply the remaining documents on the ground that they are not relevant.

The petitioner did not submit any explanation, and therefore, the respondent by an order dated 09.12.1994 imposing penalty of withholding of one increment for three years with cumulative effect on the ground that as there was no explanation offered by the petitioner, the charges took proved. Challenging the said order by which penalty was imposed on the petitioner, the present writ petition was filed.

The only submission made by the learned counsel for the petitioner is that in view of the fact that all the documents sought for by him were not supplied, he could not offer any explanation to the charge memo and therefore there is failure of natural justice which led to the imposition of penalty.

The respondent filed counter. It is categorically stated that the documents which were not supplied were wholly irrelevant for the purpose of enquiry pending against the petitioner and therefore the respondent is under no obligation to supply those documents. In fact, a copy of the representation made by the petitioner dated 11.11.1993 wherein the list of the documents sought for by him is placed before the Court. Just to illustrate one of the documents sought for by the petitioner is (1) copy of Marketing Manual/policies of CCI right from the beginning and (2) copy of all the minutes of review meetings held at various places and especially of the South Zone Review meetings. It is not the case of the petitioner that any one of these documents which were refused to supply to the petitioner was relied upon in the charge memo. At any rate, nothing is brought to my notice to demonstrate the same. The petitioner does not bring anything to the notice of this Court to establish that the petitioner is still entitled to obtain the copies of various documents, which were not supplied to him.

In the absence of any established legal right for the petitioner to receive all those documents, which were refused to be supply by the respondents, the petitioner cannot complain that there is violation of the principles of natural justice. I do not see any merits in the writ petition and it is accordingly dismissed.

JUSTICE J.CHELAMESWAR

25TH NOVEMBER, 2004

PGS

To

1. The Director (Finance)
Cement Corpotration Of India Ltd., Core -V,

Scope Complex No.7, Lodi Road, New Delhi.

2 2 CD copies.

THE HON'BLE MR JUSTICE J.CHELAMESWAR

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